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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/815,588	04/01/2004	Patrick W. McManus	14858-0006	1161

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BAKER & DANIELS LLP
300 NORTH MERIDIAN STREET
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INDIANAPOLIS, IN 46204

EXAMINER

GORDON, STEPHEN T

ART UNIT	PAPER NUMBER
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3612

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/05/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/815,588

Applicant(s)

MCMANUS ET AL.

Examiner

Stephen Gordon

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 November 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8, 12-29 and 36-55 is/are pending in the application.
- 4a) Of the above claim(s) 4-6, 15-19, 21-23, 26-29 and 38-41 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 24, 37, 47, 48 and 50 is/are allowed.
- 6) ☒ Claim(s) 1-3, 7, 8, 12-14, 20, 25, 36, 42-46, 49 and 51 is/are rejected.
- 7) ☒ Claim(s) 52-55 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

1. Claims 4-6, 15-19, 21-23, 26-29, and 38-41 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected group and/or species. Applicant timely traversed the restriction (election) requirement in the reply filed on 10-18-05.

2. Claim 51 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 51, line 1 is somewhat confusing, and “assembly” could be replaced with —one of said assemblies—to clarify the claim in this regard as best understood. Additionally, line 2 is somewhat confusing, and “assembly” could be replaced with —one of said assemblies—to clarify the claim in this regard as best understood.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-3, 7, 12-13, 20, 25, and 42-43 are rejected under 35 U.S.C. 102(b) as being anticipated by Corey et al.

Note body expansion portion 40 movable to define volumes as recited. The device includes a first seat supported by the body as broadly claimed.

With regard to the newly added language to base claim 1, Webster's Ninth New Collegiate Dictionary (1990) defines a bumper as "a device for absorbing shock or preventing damage". Element 43 of the relied upon reference defines a "bumper" as newly broadly claimed. Clearly element 43 would serve to absorb shock to the rear portion 40 and prevent damage to the expandable cabin portion. Note for example, if a baseball or stone were accidentally thrown at portion 40 and struck element 43, element 43 would clearly absorb the shock of the ball or stone and protect the overall structure 40 from damage.

Claims 2 and 3, the device defines walls, panels, a roof, and a floor configured as broadly claimed.

Claim 7, the perimeter flange of panel 43 would engage an edge as broadly claimed – see figure 4 etc.

Claim 12, note aligned windows 34 and 44 (figure 4 and section 6, lines 13-20 etc.).

Claim 13, the flanges on either side of walls 42 which engage section 30 inner and outer surfaces of the rear wall thereof define seals engaging engagement surfaces as broadly claimed and as best understood.

Claim 20, the system teaches the use of multiple actuators (e.g. screws 81 etc.) which would define housings, brackets, and movable members as broadly claimed.

Claim 25, the device includes seats as broadly claimed – note figures 1, 4, 5, etc.

Claims 42 and 43, the device defines a seat that is configured as broadly claimed.

5. Claims 1-3, and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by St. Marie '697.

Note body expansion portion 15+ (figure 1) movable to define volumes as recited.

Regarding claim 1, the bottom platform of the movable expansion portion would define a seat as broadly claimed. Moreover, St. Marie includes additional conventional seats which would read on the seat as broadly claimed.

With regard to the newly added language to base claim 1, as noted above Webster's Ninth New Collegiate Dictionary (1990) defines a bumper as "a device for absorbing shock or preventing damage". Element 17 of the relied upon reference defines a "bumper" as newly broadly claimed. Clearly element 17 would serve to absorb at least some shock and prevent at least some damage to the surrounding structure of the device – note for example discussion above in paragraph 4 of the instant action.

Claims 2 and 3, the device defines walls, panels, a roof, and a floor configured as broadly claimed.

Claim 14, the device defines wheel wells – see figure 1 etc. The lower wall is positioned as broadly claimed.

6. Claims 1-2 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Hodges.

Note body 55+, expansion portion (2, 14, 26+), and a first seat as broadly claimed.

With regard to the newly added language to base claim 1, as noted above Webster's Ninth New Collegiate Dictionary (1990) defines a bumper as "a device for absorbing shock or preventing damage". Element 32 of the relied upon reference defines a "bumper" as newly broadly claimed. Clearly element 32 would serve to absorb at least some shock and prevent at least some damage to the surrounding structure of the device – note for example discussion above in paragraph 4 of the instant action.

Claim 2, the fixed vehicle portion defines a roof extending between rear panels and a floor. The expansion portion includes a rear wall 38+, side walls (4,16,28+) as broadly claimed, an upper wall (e.g. 15) as broadly claimed, and a lower wall 27 as broadly claimed.

Claim 8, element 38+ defines a lift gate door with a hatch window as broadly claimed.

7. Claims 1-3 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Fillios.

Note body 14+ and expansion portion 16+ movable to define volumes as recited. The device includes a first seat supported by the body as broadly claimed.

With regard to the newly added language to base claim 1, as noted above Webster's Ninth New Collegiate Dictionary (1990) defines a bumper as "a device for absorbing shock or preventing damage". Element 30 of the relied upon reference defines a "bumper" as newly broadly claimed. Clearly element 30 would serve to absorb at least some shock and prevent at least some damage to the surrounding structure of the device – note for example discussion above in paragraph 4 of the instant action.

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Claims 2 and 3, the device defines walls, panels, a roof, and a floor configured as broadly claimed.

Claim 12, note windows 36 and 40.

8. Claims 7 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Bradford '858.

Note expansion portion (110,112+ or 28+) and fixed body 23+. The body includes a seat as broadly claimed. The body and portion define walls, panels, a roof, and a floor as broadly claimed (e.g. the perimeter walls of each member 110+,23+).

With regard to the newly added language to base claim 1, as noted above Webster's Ninth New Collegiate Dictionary (1990) defines a bumper as "a device for absorbing shock or preventing damage". Element 32 of the relied upon reference defines a "bumper" as newly broadly claimed. Clearly element 32 would serve to absorb at least some shock and prevent at least some damage to the surrounding structure of the device – note for example discussion above in paragraph 4 of the instant action.

Regarding claim 7, the device is deemed configured as broadly claimed – see figure 9A etc.

Regarding claim 13, the device is deemed to define seals and surfaces as broadly claimed and as best understood – note figures 3, 8, 9A etc.

9. Claims 1 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Anderson '475.

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Anderson teaches a vehicle with a body and expansion portion (62a, 62b+) movable to define volumes as recited. The device includes a first seat supported by the body as broadly claimed.

With regard to the newly added language to base claim 1, as noted above Webster's Ninth New Collegiate Dictionary (1990) defines a bumper as "a device for absorbing shock or preventing damage". Element 66 of the relied upon reference defines a "bumper" as newly broadly claimed. Clearly element 66 would serve to absorb at least some shock and prevent at least some damage to the surrounding structure of the device – note for example discussion above in paragraph 4 of the instant action. Claim 20, actuation and support assemblies 76 include brackets, housings, and movable members configured as broadly claimed – see figure 2 etc.

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

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not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

12. Claims 25, 36, and 44-46 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Fillios.

Regarding claims 25, 36, and 44, Fillios teaches all of the features of claim 1 as discussed above and further teaches a plurality of longitudinally spaced seats movable with the expansion portion – note circles representing seats around the rectangular table in the plan view of figure 11. While the reference is silent as to if these expansion portion seats are connected to the lower wall, it is assumed they are connected as such is the common practice in the art.

If it is assumed that the expansion portion seats are not connected to the lower wall (i.e. they merely rest on the lower wall), it would have been obvious to one of ordinary skill in the art to connect the seats to the lower wall to prevent movement and possible damage to the surrounding components (e.g. by the seats tumbling into the cabinets etc.) during travel in view of known art practices.

Regarding claim 45, at least some of the horizontal surfaces of the dashboard section of the vehicle would define a table as broadly claimed.

Claim 46, the seats are configured as broadly claimed.

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13. Claims 44-46, as best understood, are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Anderson '475.

Regarding claims 44 and 46, Anderson teaches all of the features of claim 1 as discussed above and further teaches a plurality of longitudinally spaced seats movable with the expansion portion (e.g. seats 146) as broadly claimed. While the reference is silent as to if these expansion portion seats are connected to the lower wall, it is assumed they are connected as such is the common practice for such structures in the art.

If it is assumed that the expansion portion seats are not connected to the lower wall (i.e. they merely rest on the lower wall), it would have been obvious to one of ordinary skill in the art to connect the seats to the lower wall to prevent movement and possible damage to the surrounding components (e.g. by the seats tumbling into the cabinets etc.) during travel in view of known art practices.

Regarding claim 45, note table 140 etc.

14. Claim 49, as best understood, is rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson '475.

Anderson is deemed to anticipate or fairly suggest the instant combination of claim 45 as discussed above. Anderson teaches a plurality of tables (e.g. 140, 176, etc).

Regarding claim 49, Anderson fails to specifically teach that one of the tables is collapsible as recited.

Collapsible tables for camper structures are notoriously well known in the art. To fabricate one of the tables of Anderson (e.g. table 176) as a collapsible table in order to allow more system flexibility/utility would have been obvious to one of ordinary skill in the art in view of known art practices and would not constitute a patentably distinct from the teachings of Anderson.

15. It is requested that applicant cancel at least non-elected claims 15-19 in response to this action to facilitate the issue process if the application is ultimately allowed.

16. Claims 24, 37, 47-48, and 50 are allowed.

17. Claims 52-55 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

18. Claim 51 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

19. Applicant's arguments filed 11-14-06 in view of the amended claim language have been fully considered but they are not persuasive.

Applicant has added language to base claim 1 requiring a "bumper" coupled to the expansion portion to move therewith and relies on such limitation in combination with

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the other recited elements to define over the relied upon prior art. As noted above Webster's Ninth New Collegiate Dictionary (1990) defines a bumper as "a device for absorbing shock or preventing damage". Elements of the relied upon references define a "bumper" as newly broadly claimed and discussed in more detail in the rejections under sections 102 and 103 above. Clearly the movable expansion portions of the relied upon references include elements which would serve to absorb at least some shock and prevent at least some damage to the surrounding structure of the device – note for example discussion above in paragraph 4 of the instant action with regard to element 43 of Corey et al.

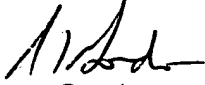
In general it should be noted, the instant invention as *disclosed* is clearly different from the relied upon prior art references and very well may include patentable subject matter in addition to the allowable claims noted above. Moreover, while it appears applicant's amendments to instant base claim 1 may be *beginning* to move away from the teachings of the prior art and possibly toward patentable subject matter, the claim language of the rejected claims as currently presented remains sufficiently broad that rejection under 35USC sections 102 and 103 as applied herein is warranted.

20. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen Gordon whose telephone number is (571) 272-6661. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

 2-1-07
Stephen Gordon
Primary Examiner
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